



#71 DAC

Practitioner's Docket No. IB-1576A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alivisatos, A. Paul; Rockenberger, Joerg

Application No.: 09/721,126

Group No.: 1754

Filed: 11/22/2000

Examiner: Bos, S.

For: A Process for making surfactant capped metal oxide nanocrystals, and products produced by the process

Box DAC

Commissioner for Patents

Crystal Park One, Suite 520

Washington, D.C. 20231

ATTENTION: Petition Information
Crystal Park One, Suite 520
(M.P.E.P. § 1002.02(b), 7th ed.)

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED BY THE PTO

1. This application became abandoned on December 4, 2002.
2. This application became abandoned because the Patent Office did not match the response paper with the patent office file. The response was timely filed on June 20, 2002 with a request for a one month extension of time, and the appropriate fees. A certificate of mailing was attached to the response. The patent office did in fact receive the response because our deposit account was charged the appropriate extension of time fee under 37 C.F.R. 1.136(a). A copy of our deposit account ledger sheet is attached, and it is clearly marked where there is a 07/02/02 charge for U.S. Serial Number 09/721,126. Because the account was charged, the PTO must have received the response. Please note that the transmittal form for the response had the parent application serial number on the heading. However, the other information (current docket number, filing date, group art unit, examiner) are all correct on the transmittal form, so one could have matched the paper with the correct file. Further, all of the other papers in the response have the correct identification information thereon, including the correct serial number. This includes the petition for an extension of time. Accordingly, it is respectfully requested that there not be a charge for this petition, since the failure to match the paper with the file appears to be the fault of the PTO. Accordingly, it is respectfully submitted that the holding of abandonment be withdrawn.
3. Response or action required has been filed. A copy of that response is included herewith.
4. Payment of fee

Applicants believe no fee is due. This is because the response was timely filed. The PTO failed to match the paper with the file, even though a review of the enclosed response (a copy of that which was originally sent) will show sufficient information to enable one to match the file with the response paper.

5. Enclosures:

- a) Petition for revival of a patent application
- b) copy of original response, including:
 - i) transmittal form

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- ii) response paper, 2 sheets
- iii) petition for extension of time, in duplicate (2 sheets)
- c) copy of monthly statement of deposit account, showing a charge that accompanied the response.

If a telephone conference will expedite prosecution of this application, the petitions examiner is invited to call the undersigned below.

Date: 1/7/2002

CR Nold
Charles R. Nold
Lawrence Berkeley National Laboratory
One Cyclotron Road
MS 90B
Berkeley, CA 94720
Res. 46,470

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

Date: 1/7/2002

CR Nold
Signature

Charles R. Nold
(type or print name of person certifying)

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